

Filed 7-12-17  
Clerk, U. S. District Court  
Western District of Texas  
By KRW  
Deputy

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

IN THE MATTER OF  
THE EXTRADITION OF  
AGER MOHSIN HASAN

Misc. No. SA:17-MJ-0786-  
ESC

COMPLAINT FOR PROVISIONAL ARREST  
WITH A VIEW TOWARDS EXTRADITION  
(18 U.S.C. § 3184)

I, Priscilla Garcia, Assistant United States Attorney, being duly sworn, state on information and belief that the following is true and correct:

1. In this matter, I represent the United States in fulfilling its treaty obligation to Canada.
2. There is an extradition treaty in force between the United States and Canada, signed December 3, 1971, and which entered into force on March 22, 1976 (the "1971 Treaty"). The treaty was amended by a Protocol signed on January 11, 1988, which entered into force on November 26, 1991, and the Second Protocol Amending the Extradition Treaty with Canada of January 12, 2001, which entered into force on April 30, 2003 (collectively referenced hereafter as the "Treaty").
3. The 1971 Treaty provides in Article 11 for the provisional arrest and detention of alleged fugitives pending the submission of a formal request for extradition and supporting documents.
4. In accordance with article 11 of the Treaty, the Government of Canada has asked the United States for the provisional arrest of AGER MOHSIN HASAN ("HASAN"), with a view toward his extradition.

5. According to information provided by Canada in the form authorized by the Treaty, HASAN is charged with the following:

- Break and Enter, contrary to section 348(1)(a) of the Criminal Code of Canada (“CCC”);
- Assault (2 counts), contrary to section 266 of the CCC;
- Second Degree Murder, contrary to section 235(1) of the CCC; and
- Failure to Comply with Recognizance (3 counts), contrary to section 145(3) of the CCC.

6. These offenses were committed within the jurisdiction of Canada. A warrant for HASAN’s arrest was issued on May 1, 2017, occurrence number WA17091001, by Justice of the Peace R. Legate-Exon of the Ontario Court of Justice, in the City of Kitchener, Province of Ontario, Canada, for the offenses of Murder – Second Degree and Failure to Comply with Recognizance.

7. According to the information provided by Canada, the warrant was issued based on the following facts: the second-degree murder charges in Canada relate to a homicide that occurred at approximately 2:00 a.m. on April 28, 2017. The female victim was identified as Melinda Vasilije. HASAN has been identified and charged with her murder. The incident took place at the victim’s residence located on Country Hill Drive, in the city of Kitchener, Ontario, Canada. The victim occupied this residence with another female roommate, A. Manda.

HASAN and the victim were involved in a dating relationship for approximately one year. This relationship had recently dissolved and HASAN had difficulty accepting that fact. The following events subsequently occurred:

On April 3, 2017, HASAN was charged with **Break and Enter with Intent and two counts of Assault** relating to an incident where HASAN came to the victim’s residence and smashed through the rear patio door. HASAN assaulted the victim’s roommate by grabbing her head and smashing it into the doorframe. He also assaulted Manda’s brother, V. Manda, by kicking and punching him in the face, causing injury to his left cheek. These assaults took place while HASAN was attempting to make contact with Vasilije. HASAN was arrested near the

scene and held in custody for a bail hearing. HASAN was charged with Break and Enter and two counts of Assault (against Vasilije's roommate, A. Manda, and against Manda's brother, V. Manda).

On April 4, 2017, Ager HASAN was released from custody on a recognizance of bail by Justice of the Peace C.W. Anderson. As part of that recognizance of bail, HASAN agreed to the following conditions:

- Stay out of the following area: The Region of Waterloo except for required court appearances and to attend pre-arranged meetings with your legal counsel.
- Do not contact or communicate in any way either directly or indirectly, by any physical, electronic or other means, with the following: Melinda Vasilije, C. Vasilije (victim's sister), A. Manda (victim's roommate), Victor Manda (A. Manda's brother), B. Ramirez (A. Manda's boyfriend), and A. Todorovic (victim's mother).
- Do not possess any weapon(s) as defined by the Criminal Code (for example, but not restricted to, a pellet gun, firearm, imitation firearm, cross-bow, prohibited or restricted weapon or device, ammunition or explosive substance or anything designed to be used or intended for use to cause death or injury or to threaten or intimidate any person).

HASAN breached these terms by repeatedly contacting Vasilije via text messages and social media prior to the homicide. Evidence of this was observed on the victim's cell phone that was recovered at the murder scene and from witness statements from A. Manda and I. Huynh.

**Second Degree Murder and Fail to Comply with Recognizance (three counts):** On Thursday April 27, 2017, the victim, Melinda Vasilije, had arranged to meet with HASAN to talk about the recent termination of their relationship. According to witness statements, as well as evidence recovered from the victim's cell phone, HASAN had been continually contacting Vasilije via text message and social media since his release on bail. Vasilije did not contact police. She was nervous about HASAN coming to the residence and contacted her friend I. Huynh. to come over as well. Huynh came to the residence and met with Vasilije and Manda – they both knew HASAN was coming to see Vasilije.

At approximately 11:00 p.m., Vasilije's sister, C. Vasilije, arrived at the residence. She remained at the house for a short time before being driven to a nightclub in Waterloo by Manda and Huynh. At the time they departed the residence, HASAN had not yet arrived. Text messages show Vasilije told HASAN to wait until her roommates left. When Manda and Huynh returned to the residence at approximately 12:30 a.m. on April 28, 2017, they heard Vasilije and someone else in her bedroom. They observed a pair of men's shoes at the front door. Manda and Huynh sat on the couch watching television until approximately 1:45 a.m. and could hear faint whispering coming from Vasilije's bedroom.

At approximately 1:45 a.m., Manda and Huynh left the residence to go to Burger King, leaving Vasilije and HASAN inside. Manda had sent a text message to Vasilije wondering if she wanted to come for food. Vasilije declined and indicated that "He" was just leaving. Upon returning to the residence at approximately 2:45 a.m., they entered and found Vasilije lying on the floor of the residence covered in blood with a knife lying nearby. Huynh contacted 9-1-1.

At 2:40 a.m., Waterloo Regional Police received the 9-1-1 call. Police, along with Kitchener Fire Department and Waterloo EMS responded to the scene. Upon arrival, Vasilije was found still on the floor covered in blood with no vital signs. Vasilije was suffering from multiple stab wounds to her neck and chest. Lifesaving attempts were made but were unsuccessful and Vasilije was pronounced deceased at 3:05 a.m. An autopsy later confirmed the cause of death as multiple stab wounds to her neck and chest. The manner of death was determined to be homicide.

HASAN was no longer at the residence and it was believed that he had fled the scene.

HASAN'S residence in Hamilton was checked but he was not located there. Investigators checked with Canadian Border Services and confirmed that HASAN had crossed into the United States of America via the Peace Bridge. His departure from Canada into the United States was at 5:44 a.m.

Investigators reviewed Vasilije's cellular telephone and text messages between her and an entry of "A.H", telephone number 289-489-7729, were found. They show arrangements being made between Vasilije and HASAN for him to come to her address and that he was

outside waiting for her roommates to leave. Investigators have confirmed this number as belonging to HASAN. Surveillance video has been obtained which shows a vehicle matching HASAN's parked in front of Vasilije's residence and the video times are consistent with text messages sent by HASAN. It shows a male running from the area of Vasilije's residence at 2:01 a.m. and fleeing in a vehicle similar to a Honda HRV.

On May 1, 2017, a person believed to be HASAN posted a long document on the website "Reddit.com" in which he provided details of the incident and claimed his actions were in self-defense. He posted multiple photos of HASAN and Vasilije as well as excerpts of a text conversation between them on the night of the murder. The text conversation posted was consistent with messages recovered from Vasilije's telephone.

A Canada-wide warrant for HASAN's arrest has been issued for the offences of **Second Degree Murder and Fail to Comply with Recognizance (three counts)**. He is still facing prosecution for the original charges of **Break and Enter and Assault (two counts)**.

8. The requesting country has indicated that there are urgent circumstances that warrant HASAN's provisional arrest. HASAN fled Canada after committing the murder in an attempt to avoid prosecution. HASAN is aware police are looking for him and a warrant has been issued for his arrest. HASAN has corresponded with investigators through "whatsapp" messaging and email up to May 7, 2017, and indicated he wanted to turn himself in; however, he wanted investigators to offer him a plea deal first. He has stated several times in these communications that he does not want to be arrested by US law enforcement. On May 20, 2017, at approximately 8:00 p.m., HASAN was seen at a truck stop in Tennessee, travelling southbound on an Interstate highway, and expressed an intent to flee to Mexico. However, his whereabouts within the United States remained unknown until July 11, 2017, the date of HASAN's arrest in San Antonio, Texas, for offenses not related to the charges described herein.

9. The offenses with which HASAN is charged are provided for in Article 2 of the Extradition Treaty, as amended by the Protocols, cited above.




10. The requesting state has represented that it will submit a formal request for extradition, supported by the documents specified in the Treaty, within 60 days, as required by Article 11 of the Extradition Treaty, as amended by the Protocols.


WHEREFORE, the undersigned complainant requests that a warrant for the arrest of AGER MOHSIN HASAN be issued in accordance with Title 18, United States Code, Section 3184, and the Extradition Treaty between the United States and Canada, as amended by its Protocols.

Respectfully submitted,

Richard L. Durbin, Jr.  
United States Attorney  
Western District of Texas

By:   
Priscilla Garcia  
Assistant United States Attorney  
Western District of Texas  
601 N. W. Loop 410, Suite 600  
San Antonio, Texas 78216  
(210) 384-7018  
(210) 384-7121 (Fax)  
State Bar No. 07641200

Subscribed and sworn to before me on July 12 2017.

  
Elizabeth S. Chestney  
United States Magistrate Judge